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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/919,326	07/31/2001	Robert W. Torres	41250/WPC/P526	3726

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EXAMINER

LUGO, CARLOS

ART UNIT PAPER NUMBER

3677

DATE MAILED: 08/02/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/919,326	Applicant(s) TORRES ET AL.	
	Examiner Carlos Lugo	Art Unit 3677	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 July 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
     If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \*    c) ☐ None of:  
         1. ☐ Certified copies of the priority documents have been received.  
         2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
         3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
     \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
     a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Drawings*

1. Figures 1A-C should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g).

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### *Specification*

2. The specification is objected to because of the following informalities:

- Page 3 Line 28, change "surface" as --cavity--.
- Page 8 Line 11, add --or skirts-- after "flanges".

Appropriate correction is required.

### *Claim Rejections - 35 USC § 112*

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:
  - The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.
4. **Claims 1-4 and 9-11 are rejected** under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1 and 9 recites the limitation "that the sealing surface is not substantially wrinkled". It is unclear by this limitation if there is wrinkled or not when the skirt is inserted in the cavity. Also, applicant is reminded that the use of negative statements is not patentable.

Claim 2 recites the limitation "the inside and the outside" in line 4. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. **Claims 1-3 and 9 are rejected** under 35 U.S.C. 102(b) as being anticipated by US Pat No 4,075,935 to Panigati.

Regarding claims 1 and 9, Panigati discloses a device for sealing a cavity (of the pipe 4) that comprises an interior surface.

The device comprises a sleeve (3) and a molded skirt (7) integrally formed on the sleeve. The skirt comprises an interior surface and a sealing surface (9).

The sealing surface has substantially the same shape as the interior surface of the cavity, such that the sealing surface is not substantially wrinkled when the sealing surface is in sealing contact with the interior surface of the cavity.

As to claim 2, Panigati discloses that the cavity comprises an opening.

As to claim 3, Panigati discloses that the sleeve and the molded skirt are made of an elastomeric material.

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7. **Claims 1,2 and 9 are rejected** under 35 U.S.C. 102(b) as being anticipated by US Pat No 4,747,606 to Jennings.

Regarding claims 1 and 9, Jennings discloses a device for sealing a cavity that comprises an interior surface (42).

The device comprises a sleeve (10) and a molded skirt (24) integrally formed on the sleeve. The skirt comprises an interior surface and a sealing surface (22).

The sealing surface has substantially the same shape as the interior surface of the cavity, such that the sealing surface is not substantially wrinkled when the sealing surface is in sealing contact with the interior surface of the cavity.

As to claim 2, Jennings discloses that the cavity comprises an opening (50).

8. **Claims 1,2,4-7,9 and 10 are rejected** under 35 U.S.C. 102(b) as being anticipated by US Pat No 2,405,152 to Kilchenmann.

Regarding claims 1,5-7 and 9, Kilchenmann discloses a device for sealing a cavity (of the pipe 1) that comprises an interior surface (5').

The device comprises a sleeve (2) and a molded skirt (4) integrally formed on the sleeve. The skirt comprises an interior surface and a sealing surface.

The sealing surface has substantially the same shape as the interior surface of the cavity, such that the sealing surface is not substantially wrinkled when the sealing surface is in sealing contact with the interior surface of the cavity.

As to claim 2, Kilchenmann discloses that the cavity comprises an opening.

As to claims 4 and 10, Kilchenmann discloses that the sleeve includes a wiping land (in contact with element 22 in Figure 6).

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**10. Claims 1-11 are rejected** under 35 U.S.C. 103(a) as being unpatentable over US Pat No 3,792,416 to Moulin in view of US Pat No 2,405,152 to Kilchenmann.

Regarding claims 1,5-7 and 9, Moulin discloses a device for sealing a cavity that comprises an interior surface. The device comprises a sleeve (150).

However, Moulin fails to disclose a molded skirt integrally formed on the sleeve. Moulin discloses that when an integrally formed flange (158) is placed inside the cavity, forms a skirt comprising an interior surface and a sealing surface.

Kilchenmann teaches that is known in the art to make a molded skirt (4) integrally formed on the sleeve.

It would have been obvious to one having ordinary skill in the art at the time the invention was made a molded skirt, as taught by Kilchenmann, into a sealing device as described by Moulin, in order to make a better sealing between the inside surface of the cavity and the sealing surface and to prevent lost in the sealing contact because of excessive wrinkled.

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As to claim 2, Moulin discloses that the cavity comprises an opening.

As to claims 3 and 8, Moulin discloses that the sleeve and the molded skirt are made of an elastomeric material.

As to claims 4 and 10, Moulin discloses that the sleeve includes a wiping land (174).

As to claim 11, Moulin discloses that the wiping land cleans a portion of the interior surface of the cavity (Col. 9 Lines 13-16).


### ***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The patents cited further show the state of the art with respect to sealing devices.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carlos Lugo. The examiner phone number is (703)-305-9747. The fax number for correspondence before a final action is (703)-872-9326 and the fax number for correspondence after final action is (703)-872-9327. The email direction of the examiner is carlos.lugo@uspto.gov. The examiner can normally be reached on Monday to Friday from 9:30am to 6:30pm (EST). If the examiner is not available, please leave a message, including the application number and the examiner will answer the message as soon as possible.

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July 25, 2002

  
J. J. SWANN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600